

**REMARKS**

Claims 1-17 are pending. Claims 1 and 8 have been amended to clarify features of the present invention, exemplary support for which may be found at page 7, lines 22-28 of the specification. Favorable reconsideration in view of the following remarks is respectfully requested.

35 U.S.C. 103 Rejection

Claims 1-9 and 11-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Simmons (U.S. Patent Publication No. 2004/0043791), in view of Portalier et al (U.K. Patent Application No. GB2355892). Applicant respectfully traverses.

Claim 1, as amended, recites "a handset operating system, which controls authentication of the IMEI storage support by a secure electronic module which is connected to the aforementioned connector, in order to establish a secure communication channel between the storage support and the module and transmission of the IMEI over the secure channel to the secure electronic module, and wherein the operating system controls the authentication of the secure module by the storage support". The Applicant respectfully submits that Simmons and Portalier, individually and in combination, fail to disclose a handset operating system, which controls the authentication of both i) the storage support by a secure electronic module and ii) the secure module by the storage support .

While Simmons discloses the SIM card authenticating the mobile station, Simmons is silent as to authenticating the SIM card by a storage support. Further, Simmons' authentication of the mobile station is not the same as authenticating the

storage support itself. In fact, Simmons discloses authenticating the mobile station by verifying that the device is compatible with pre-paid operation by generating a random number and sending it to the mobile equipment. See, Simmons at paragraphs 0039-0041. Applicant's claimed embodiment is directed to authenticating the storage support itself, and authentication occurs between the storage support and the secure electronic module via the secure channel established by the handset operating system.

Moreover, Simmons does not teach transmitting the IMEI over the secure channel, wherein the secure channel is established from the authentication of the storage support by a secure electronic module. Simmons discloses transmitting the IMEI as part of the authentication process. See, Simmons at paragraphs 0041 and 0049. In paragraph 0049, Simmons discloses storing the IMEI in the SIM. However, Simmons does not disclose sending the IMEI to the SIM after a secure channel is established by authenticating the storage support. Rather, Simmons discloses adding a step to the process in Figure 2 to send the IMEI to the SIM. Nonetheless, this disclosure does not establish transmission of the IMEI after establishing a secure channel. As noted previously, claim 1 recites "a handset operating system which controls ***authentication of the IMEI storage support by a secure electronic module, in order to establish a secure communication channel*** between the storage support and the module and transmission of the IMEI over **the secure channel** to the secure electronic module".

Simmons is further deficient in that it does not teach a storage support which is secured against fraudulent access. The Office Action provides that Simmons discloses storing the IMEI in an EPROM. EPROMs are not inherently secured

against fraudulent access. Applicant's specification provides that the storage support secured against fraudulent access can be a PROM; however, the type of memory does not make the storage support secured against fraudulent access. The storage support is secured against fraudulent access because a secure channel is established before data is transmitted from the storage support and the storage support itself is authenticated before it transmits the IMEI over the secure channel.

Portalier does not teach the aforementioned features recited in claim 1 and thus fails to cure the deficiencies of Simmons.

In summary, Simmons and Portalier when applied individually or collectively fail to disclose or suggest every feature recited in Applicant's claims. For these reasons and those provided above, Applicant respectfully requests withdrawal of the rejection to claim 1.

Claim 8 recites similar distinguishing features as claim 1, and for reasons analogous to claim 1 above, the combination of Simmons and Portalier do not disclose the claimed features of claim 8. Moreover, for the reasons provided above, Applicant respectfully requests withdrawal of the rejection to claims 1 and 8.

Applicant respectfully submits that dependent claims 2-7 and 9-17 are allowable for at least the same reasons discussed above with respect to independent claims 1 and 8. Moreover, these claims are further distinguishable over the applied references by the additional elements recited therein. For at least these reasons, withdrawal of the rejection to dependent claims 2-7 and 9-17 is also respectfully requested.

Conclusion

Early and favorable action with respect to this application is respectfully requested. Should the Examiner have any questions regarding this Amendment or the application in general, he is invited to contact the undersigned at the number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: June 11, 2009

By: /Kimberly McLean/  
Kimberly McLean  
Registration No. 62378

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620